

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

MIAMI VALLEY FAIR HOUSING
CENTER, INC., et al.,

Case No. C-3:08-cv-150

Plaintiffs,

-v-

Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington

STEINER + ASSOCIATES, INC.,,
et al.,

Defendants.

ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S FIRST, SECOND AND THIRD REPORT AND RECOMMENDATIONS (Doc. #339, 340, 350) IN THEIR ENTIRETY; OVERRULING THIRD-PARTY PLAINTIFFS' OBJECTIONS (Doc. #347); FINDING THIRD PARTY DEFENDANT TRANSYSTEMS CORPORATION'S OBJECTIONS (Doc. #348) MOOT AND GRANTING MOTIONS TO DISMISS FILED BY R.D. JONES & ASSOCIATES (Doc. #162, 176), MANDEL DEVELOPMENT, INC AND MANDEL GROUP, INC. (Doc. #179, 180), CAREY ELECTRIC (Doc. #181), HUNZINGER CONSTRUCTION CO. (Doc. #183), LAKESIDE STONEWORKS, LLC (Doc. #200), LaFORCE, INC. (Doc. #206), BAKER CONCRETE CONSTRUCTION, INC. (Doc. #213), MELECA ARCHITECTURE, INC. (Doc. #219), BUILDERS FIRSTSOURCE-OHIO VALLEY (Doc. #220), ALPINE INSULATION CO., INC. (Doc. #221, 225), JOHN R. JURGENSEN CO. (Doc. #222), ROMAN ELECTRIC CO., INC. (Doc. #226), DONOVAN & JORGENSEN, INC. (Doc. #240), WOOLPERT, INC. (Doc. #242), ROB BEN CONSTRUCTION, LLC (Doc. #245), MEGA INDUSTRIES CORP. (Doc. #272), DYKE INDUSTRIES, INC. (Doc. #289), BLAKE-STEVENS WOOD FLOORING, INC. (Doc. #194), BARSTO CONSTRUCTION, INC. (Doc. #209), WALTON CONSTRUCTION CO., LLC (Doc. #247) AND TRANSYSTEMS CORP. (Doc. #174, 224).

This matter comes before the Court pursuant to three Report and Recommendations filed by Magistrate Judge Sharon L. Ovington. (Doc. #339, 340, 350.) The relevant Parties and their procedural postures are fully set forth in the Report and Recommendations and need not be repeated here.

The three Report and Recommendations are in regard to Motions To Dismiss or Motions for Judgment On the Pleadings filed by Third Party Defendants. The Magistrate Judge recommends that the identified Third Party Defendants' Motions To Dismiss and Motions for Judgement On the Pleadings be granted.

The Third Party Plaintiffs have filed Objections to these Report and Recommendations, with one exception, and the relevant Third Party Defendants have responded to the Objections. The exception is that no objection has been filed to the Third Report and Recommendations. However, the time for objecting to this Report and Recommendations has run. Therefore, this matter is ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that the Magistrate Judge's First, Second and Third Report and Recommendations are adopted in their entirety. Further, the Third-Party Plaintiffs' Objections (doc. #347) are overruled.

Third-Party Plaintiffs' express indemnity, implied indemnity and contributions claims are dismissed with prejudice because the Fair Housing Act ("FHA") does not contain or authorize claims for indemnifications and/or contribution. Third-Party Plaintiffs' breach-of-contract and negligence claims are dismissed with prejudice because they are in substance a reiteration of the claims seeking contribution and/or indemnifications for FHA violations and, to the extent these claims may be independent or merely related to the original Plaintiffs' claims, Rule 14 does not permit them.

Thus, Motions To Dismiss or Motions for Judgment On the Pleadings submitted by the

following Third-Party Defendants are GRANTED: R.D. Jones & Associates, Inc. (doc. #162, 176), Mandel Development, Inc. and Mandel Group, Inc. (doc. #179, 180), Carey Electric Co. (doc. #181), Hunzinger Construction Co. (doc. #183), Lakeside Stoneworks, LLC (doc. #200), LaForce, Inc. (doc. #206), Baker Concrete Construction, Inc. (doc. # 213), Meleca Architecture, Inc. (doc. #219), Builders FirstSource-Ohio Valley, LLC (doc. #220), Alpine Insulation Co., Inc. (doc. #221, 225), John R. Jurgensen Co. (doc. #222), Roman Electric Co., Inc. (doc. #226), Donovan & Jorgenson, Inc. (doc. #240), Woolpert, Inc. (doc. #242), Rob Ben Construction, LLC (doc. #245), Mega Industries Corp. (doc. #272), Dyke Industries, Inc. (doc. #289), Blake-Stevens Wood Flooring, Inc. (doc. #194), Barsto Construction, Inc. (doc. #209), Walton Construction Co., LLC (doc. #247) and TranSystems Corp. (doc. #174, 224.)

DONE and **ORDERED** in Dayton, Ohio, this Twenty-Eighth Day of June, 2010.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record